

### **REMARKS**

Claims 28-75 and 88-120 are now pending in the application. Claims 1-27 and 76-87 are cancelled without disclaimer or prejudice to the subject matter contained therein. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

Applicant would like to thank the Examiner for the courtesy extended during the personal interview conducted on August 9, 2006. During the interview, the Examiner agreed that Applicant's proposed amendment appeared to distinguish the claims over the prior art of record subject to further consideration and/or search.

### **DOUBLE PATENTING**

Claims 28-51 and 88 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-55 of U.S. Patent No. 6,775,529. Applicant includes herewith a terminal disclaimer.

### **REJECTION UNDER 35 U.S.C. § 102**

Claims 52, 60, 68, 89-91, 93, and 94 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Yip et al. (U.S. Pat. No. 5,790,658). This rejection is respectfully traversed.

With respect to claim 52, Yip fails to show, teach, or suggest an active resistive summer receiving the first signal and the filtered replica signal as inputs to reduce the transmission signal component at an output of the active resistive summer, wherein the active resistive summer includes a feedback element. In particular, as best understood

by Applicant, Yip fails to show, teach, or suggest an active resistive summer that includes a feedback element.

For anticipation to be present under 35 U.S.C §102(b), there must be no difference between the claimed invention and the reference disclosure as viewed by one skilled in the field of the invention. Scripps Clinic & Res. Found. V. Genentech, Inc., 18 USPQ.2d 1001 (Fed. Cir. 1991). All of the limitations of the claim must be inherent or expressly disclosed and must be arranged as in the claim. Constant v. Advanced Micro-Devices, Inc., 7 USPQ.2d 1057 (Fed. Cir. 1988). Here, Yip fails to disclose the limitation of an active resistive summer that includes a feedback element.

As shown in an exemplary embodiment in FIG. 11, the present invention includes an active resistive summer. The active resistive summer includes a feedback element  $R_F$  that provides communication between a plurality of inputs and an output of the active resistive summer.

In contrast, Yip appears to be absent of any teaching or suggestion of an active resistive summer that includes a feedback element. The Examiner relies on a summer 130 as shown in FIG. 1 to disclose the active resistive summer. As best understood by Applicant, the summer 130 does not include a feedback element. For example, Column 6, Lines 32-36 state that “[t]he adaptation is governed by an algorithm such as the LMS algorithm described previously. The adaptive update is therefore based on the previous echo-cancelled output from summer 130. The update occurs through the feedback arrangements shown.” Applicant respectfully notes that the cited portion of Yip fails to disclose that the summer 130 includes a feedback element. Instead, the adaptive algorithm 132 provides a feedback connection to the echo canceller 128. Such a

structure is not analogous to an active resistive summer that includes a feedback element.

Applicant respectfully submits that claim 52, as well as its dependent claims, should be allowable for at least the above reasons. Claims 60, 68, 89, 90, and 93, as well as their corresponding dependent claims, should be allowable for at least similar reasons. Claims 96-120 include limitations similar to claim 52 and should be allowable for at least similar reasons.

#### **ALLOWABLE SUBJECT MATTER**


The Examiner states that claims 54-59, 62-67, and 70-75 would be allowable if rewritten in independent form. Applicant thanks the Examiner for the allowable subject matter. Accordingly, Applicant amended the above claims into independent form. Claims 54-59, 62-67, and 70-75 should now be in condition for allowance.

## CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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